

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6665

BILL NUMBER: SB 290

NOTE PREPARED: Jan 1, 2011

BILL AMENDED:

SUBJECT: Prohibition of Abortion.

FIRST AUTHOR: Sen. Tomes

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
☒ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill prohibits abortion in Indiana unless a physician determines, based on sound medical practice, that the abortion is necessary to save the life of a pregnant woman.

The bill creates a Class C felony for a person who knowingly, intentionally, or recklessly performs an abortion. It removes references to abortion clinics. It also repeals current statutes governing the performance of abortions.

Effective Date: July 1, 2011.

Explanation of State Expenditures: The Indiana State Department of Health (ISDH) reported that when the abortion clinic licensure statute was passed, existing agency staff was assigned those responsibilities while the number of surveys for other licensed entities were decreased. No change in expenditures is anticipated as a result of this bill. ISDH reported if the licensure status of the abortion clinics were discontinued, the staff resources would be reassigned to increase the survey frequency for ambulatory outpatient surgery centers. This would also allow the ISDH to leverage additional federal funds. (See *Explanation of State Revenues*.)

Penalty Provision: The bill would establish illegal performance of an abortion as a Class C felony. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: *Summary:* The provisions of the bill would cause a net annual decrease in ISDH revenue of approximately \$5,500.

Background Information: The bill would repeal statutes governing the performance of abortions, including the licensure provisions. Consequently, the Indiana Department of Health would cease to collect abortion clinic license fees of approximately \$7,000 annually. Fee revenue is distributed to the state General Fund.

If ISDH staff resources currently assigned to survey inspections of abortion clinics were reassigned to increased survey frequency of ambulatory outpatient surgery centers, the ISDH estimates that federal reimbursement associated with this activity would increase by about \$1,500 annually.

Penalty Provision: If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class C felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: State Department of Health, Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Kathy Norris, 317-234-1360.